

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**JAMES E. GRAHAM II; DENNIS ADKINS;
ROGER WRISTON; and DAVID B. POLK;
on behalf of themselves and
others similarly situated; and
UNITED MINE WORKERS OF AMERICA
INTERNATIONAL UNION,**

Plaintiffs,

v.

CIVIL ACTION NO. 1:19-cv-00597

**JUSTICE ENERGY CO. INC.;;
KEYSTONE SERVICE INDUSTRIES, INC.;;
BLUESTONE COAL CORPORATION;
DOUBLE-BONUS COAL CO.; and
SOUTHERN COAL CORPORATION,**

Defendants.

JOINT STATUS REPORT

On November 6, 2020, the parties in the above-captioned case filed a “Joint Status Report.” In that Report, the parties represented to the Court that most, if not all, claims for unpaid medical bills had been informally resolved. The parties asked for additional time to allow Defendants to process a small number of outstanding claims. The parties agreed to provide the Court with another status report by December 11, 2020.

Without waiving any claims or defenses, the parties believe that this informal process continues to bear fruit and the parties have continued to make progress in resolving claims. In fact, the parties believe that nearly all of the existing claims will be resolved shortly.

Following the parties’ Joint Report on August 28, 2020, Plaintiff’s counsel contacted all of the Plaintiffs in this case by mail to ask them to confirm or dispute whether their claims had been paid. Plaintiffs’ counsel received reports from a small number of Plaintiffs regarding outstanding

claims. Plaintiffs' counsel forwarded these claims to Defendants for resolution. Defendants processed the remaining claims through their insurance carrier and Defendants believe that all outstanding claims have been paid. A very small number of individual Plaintiffs are still seeking confirmation from their healthcare providers and from collection agencies that payment was received. The parties request additional time to allow individual Plaintiffs to obtain those confirmations. Once confirmations have been received, but no later than January 29, 2021, the parties will submit another status report. If the parties are able to confirm that all outstanding bills have been paid, they believe this matter will be resolved.

Dated: December 11, 2020

Respectfully Submitted,

/s/ Kevin F. Fagan

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